

In the  
**Indiana Supreme Court**



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR MARSHALL COUNTY )

Case No. 50S00-1107 -MS-411

ORDER APPROVING AMENDED LOCAL RULE

The judges of the Marshall Circuit and Superior Courts request the approval of an amended local rule for the appointment of special judges in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendments requested by the Marshall Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR50-TR79-MLR-009, complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Marshall County Local Rule, LR50-TR79-MLR-009, set forth as an attachment to this Order, is approved effective July 1, 2011, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Robert O. Bowen, Marshall Superior Court, 211 West Madison Street, #301, Plymouth, IN 46563-1707; the Hon. Dean A. Colvin, Marshall Superior Court, 211 West Madison Street, #301, Plymouth, IN 46563-1707; the Hon. Curtis Palmer, Marshall Circuit Court, 501 North Center Street, #301, Plymouth, IN 46563-1707; to the Clerk of the Marshall Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Marshall Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 1<sup>st</sup> day of July, 2011.

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Randall T. Shepard  
Chief Justice of Indiana

**Section 1- Cases involving a change of judge**

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the regular sitting judge shall name a panel pursuant to TR 79(F) consisting, whenever possible, of other Marshall County judges or full-time judicial officers, or senior judges assigned to the court. If a sufficient number of Marshall County judges or full-time judicial officers, or senior judges assigned to the court do not exist, then a panel shall be named including:

1. the available Marshall County judges or full-time judicial officers, or senior judges assigned to the court, and
2. judges or full-time judicial officers from courts within the administrative district as set forth in Administrative Rule 3, and
3. judges or full-time judicial officers from contiguous counties outside of the administrative district who have agreed to serve as a special judge in the court where the case is pending.

If none of the above methods produce a special judge, the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or full-time judicial officers eligible under Trial Rule 79(J) serving in the administrative district.

In cases in which no judge or full-time judicial officer is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

**Section 2- Cases involving recusal or disqualification of a judge**

In the absence of an agreement as to a particular special judge [TR 79(D)], or an agreement to have the regular sitting judge appoint a special judge [TR 79(E)], the clerk of the court shall select a special judge (on a rotating basis) from an alphabetical list of judges or full-time judicial officers from within the administrative district eligible under Trial Rule 79(J), or judges or full-time judicial officers from contiguous counties outside the administrative district who have agreed to serve as a special judge in the court where the case is pending in the administrative district.

In cases in which no judge or full-time judicial officer is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.